

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 24-CR-20110-GAYLES(s)

UNITED STATES OF AMERICA

vs.

EDNER ETIENNE,
Defendant.

STIPULATED FACTUAL PROFFER

Had this case proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt:

Beginning in 2022, law enforcement began investigating a series of events that were occurring to Victim 1 and her family members as Victim 1 separated from and began divorce proceedings against her husband, Sergio Pino. The investigation revealed that beginning in 2022 and continuing until July 2024, Pino hired two groups of individuals to carry out arsons, assaults, and attempted murder against Victim 1 and her family members.

Specifically, law enforcement learned that Pino hired Bayron BENNETT to recruit a group of people to commit arsons on vehicles owned by Victim 1's sister, Victim 2, and her husband, as well as using a vehicle to ram Victim 1's vehicle to prevent her from attending a divorce court proceeding.

On July 2, 2022, an arson occurred on vehicles located at Victim 2's residence in Miami. Home video surveillance footage from Victim 2's residence, showed that at approximately 3:26 AM, a subject wearing a hooded sweatshirt and shorts, used a red container to pour some liquid on a 2019 Dodge Ram and a 2019 Chevrolet Tahoe, owned by Victim 2 and her husband. The subject then lit both vehicles on fire, and the vehicles became engulfed in flames. City of Miami

Fire and Police Departments then responded to the scene and began an investigation into the circumstances surrounding the fires. The Dodge Ram was used by the husband of Victim 2 as a company car for his job as a salesman for global building supplies company that is engaged in interstate commerce. Victim 2 used the Tahoe for her work for a telecommunications company that engaged in interstate commerce.

On or about October 20, 2023, a warrant to obtain historical cell site location data as it pertains to the cellular device utilized by Michael Jose DULFO was authorized. A preliminary report pertaining to the data obtained for DULFO's account revealed that on or about July 2, 2022, DULFO'S PHONE utilized a cell tower in the vicinity of Victim 2's residence, specifically at or around, including but not limited to, 3:20 AM and 3:29 AM. A historical cellsite warrant was also obtained for Jerren Keith HOWARD's phone number, and law enforcement discovered that HOWARD's cellphone was in the vicinity of Victim 2's residence at approximately 3:12 AM, utilizing a tower that was approximately a quarter-mile from the scene of the arson.

On or about August 12, 2023, Victim 2's residence was the scene of another vehicle arson. At approximately 3:34 AM, home video surveillance footage from the Victim 2's residence revealed a subject walking in front of Victim 2's residence carrying an object, consistent with a gas container. At approximately 3:34 AM, video from a different home video surveillance footage angle from Victim 2's residence, captured one of the vehicles engulfed in flames, a 2019 Chevrolet Silverado, and the subject near the vehicle also catching fire and running away from the Silverado. The Silverado was used by Victim 2's husband in his work in sales for a global building supplies company that is engaged in interstate commerce.

City of Miami Police and Fire Department personnel were again dispatched to Victim 2's ADDRESS. A neighborhood canvas was conducted by City of Miami Police Detective's for more

video pertaining to the incident. A review of video surveillance footage located in the vicinity of Victim 2's Address, from on or about August 12, 2023, captured a dark in color Chevrolet Silverado pick-up truck, later identified as DULFO's Silverado, operating in the area of Victim 2's residence. DULFO's Silverado was observed on video in the area prior to the arson at approximately 3:15 AM, 3:24 AM, and 3:25 AM.

The search warrant of historical location information for DULFO's cellphone revealed that DULFO'S cellphone utilized a cell tower in the vicinity of Victim 2's residence around 3:26 AM. HOWARD's cellphone also utilized cellular towers in the vicinity of Victim 2's Address at approximately 2:41 AM, before appearing to head northbound on I-95.

On or about August 30, 2023, Pinecrest Police Department (PPD) responded to Victim 1's residence located in Pinecrest, Florida, for a hit and run incident in which a Home Depot rented flatbed style pick-up truck, rammed into the side of a vehicle operated by Victim 1. It was reported that after the incident occurred, the truck and operator fled the scene. The incident was captured on Victim 1's home video surveillance system. At the time, Victim 1 was in the middle of divorce proceedings from her estranged husband. Victim 1 had just pulled into the driveway of her residence when the ramming occurred. Victim 1 was on the way home from a divorce court proceeding involving her estranged husband at the time of the hit and run incident.

A subsequent investigation into the hit and run incident revealed that the Home Depot truck was rented on or about August 30, 2023, at the Coconut Grove, Miami, Florida Home Depot location, by an uncharged subject. Law Enforcement reviewed video surveillance footage from the Home Depot for August 30, 2023, and observed the uncharged subject who rented the vehicle appearing to speak with someone inside DULFO's Silverado, while it was parked in the parking lot of the Home Depot. At the time that the uncharged subject entered the Home Depot, Edner

ETIENNE exited DULFO's Silverado from the passenger side and also entered the Home Depot. Security cameras captured ETIENNE wearing a long-sleeved white shirt with a black t-shirt over it. ETIENNE appeared to roam the store aimlessly, shoplifting a bag of Dorito's and eating them, before exiting after the uncharged subject left the store. As the uncharged subject was seen talking to the occupants of DULFO's Silverado, ETIENNE returned and entered the passenger side of DULFO'S Silverado. The uncharged subject then drove away in a different vehicle, while DULFO's Silverado drove over to the area where the rental trucks were kept. A short time later, DULFO's Silverado left the Home Depot parking lot, followed by a Home Depot flatbed truck that appears similar to the one used in the hit-and-run.

Law Enforcement conducted a License Plate Reader (LPR) query of the registration of Victim 1's vehicle. The query revealed that on or about August 30, 2023, at approximately 3:50:26 PM, Victim 1's vehicle was observed traveling south on South Dixie Highway, in the area of 5th Street. This location was consistent with the route that Victim 1 provided to Law Enforcement as the route she utilized to travel to her residence. At approximately 3:50:29 PM, Law Enforcement noted that DULFO'S Silverado was traveling in the area behind Victim 1's vehicle. A Florida Driver and Vehicle Information Database (DAVID) query revealed that DULFO'S Silverado was a 2014 Chevrolet Silverado listed as brown in color, registered to DULFO.

The Home Depot truck rented by the uncharged subject, with License Plate Number 61BMVM, had a GPS device on it that recorded where it was stopped. That GPS device showed that the Home Depot truck was in the downtown area near the courthouse where Victim 1's divorce hearing was taking place from approximately 11 AM through 3 PM. A LPR query on the 61BMVM plate revealed that the Home Depot truck also travelled down to Pinecrest at approximately the same time Victim 1's vehicle and DULFO's Silverado were travelling to

Pinecrest.

Law Enforcement also obtained video surveillance footage from a residence in close proximity to Victim 1's residence. A review of the surveillance video footage revealed that on or about August 30, 2023, a Home Depot flat-bed style truck, similar to the one observed on video at Victim 1's residence, was observed driving in the area of Pinecrest towards Victim 1's address. The operator of the Home Depot truck was wearing similar clothing as ETIENNE was observed wearing at the Home Depot earlier that morning.

As a result of the identification of ETIENNE and others, a Federal Grand Jury Subpoena was issued to various mobile payment services, including "Cash App," for several identified individuals. One of the individuals included in the subpoena to Block Inc, parent company of Cash App, was DULFO. Law Enforcement reviewed the return received in response to the subpoena. The response contained information for financial transactions for a Cash App account attributed to DULFO. A review of the return revealed that on or about August 30, 2023, at approximately 21:07:53 Universal Time Coordinated (UTC), the Cash App account attributed to DULFO sent \$200.00 to a recipient named "EDNER ETIENNE."

A further review of the transaction history revealed that on or about August 31, 1:25:32 UTC, there was an attempted \$800 transaction, between the DULFO account and the EDNER ETIENNE account. The status of the attempted transaction was, "BILL_GETTER_REFUSED". A further examination revealed that the account associated to DULFO also conducted transactions with an account name of "OMERTA BLOODY". Law Enforcement was able to determine the account name of OMERTA BLOODY is associated with HOWARD.

Historical cellular location data revealed that on or about August 30, 2023, DULFO'S cellphone utilized a cell tower in the vicinity of the Home Depot where the truck was rented from,

specifically at approximately 10:42 AM and 10:43 AM. During the approximate time that Victim 1 explained to Law Enforcement that she was driving back to her residence in Pinecrest from the divorce hearing, DULFO'S cellphone utilized a cell tower in the vicinity of the route that Victim 1 utilized, at approximately 4:03 PM. At the approximate time that the hit and run incident happened, DULFO'S cellphone utilized a cell tower in the vicinity of Victim 1's residence at approximately 4:12 PM. A historical cellsite warrant also revealed that HOWARD's Phone was in the vicinity of the Home Depot at around 10:30 AM when the truck was rented.

A search of DULFO's iCloud account yielded a photo of Victim 1's address written on a piece of paper. Based upon data from DULFO's iCloud, it is not possible to determine if DULFO took this photo, or if someone sent it to him. However, the date of the photo indicates late December 2022. Other information collected from DULFO's iCloud accounts showed communications with Bayron BENNETT, including information related to Sergio Pino. BENNETT's phone number was identified, and the subscriber information revealed that BENNETT is the listed subscriber for his cellphone. BENNETT was identified as someone who worked on Pino's yacht as a crewmember, cook, and server on the yacht. Based upon this information, Law Enforcement identified BENNETT as the possible facilitator of DULFO and the others to commit crimes against Victim 1 and Victim 2 on behalf of Pino.

On March 7, 2024, at approximately 7 AM, Law Enforcement approached BENNETT with a search warrant to seize and search his phone. BENNETT was told he was free to leave, and the agents asked if BENNETT would talk to the agents. BENNETT agreed. During the questioning, BENNETT admitted that Sergio Pino had paid BENNETT to hire DULFO and others to commit the arsons and the hit-and-run.

On March 7, 2024, DULFO, ETIENNE, and HOWARD were all arrested. DULFO agreed

to waive his *Miranda* rights and answer questions. DULFO stated that BENNETT had hired him to commit the arsons and the hit-and-run. DULFO stated that he was paid approximately \$3,000 for each job. DULFO stated that he brought in HOWARD, who recruited ETIENNE for the second arson and the hit-and-run. DULFO admitted to sending ETIENNE the \$200 and the later attempted \$800 via Cash App as his payment. DULFO stated that BENNETT also hired him to burn Pino's car, and that Pino was also asking if they could shoot at Pino or shoot Pino without killing him to make it look like he was having issues also. DULFO stated he would not agree to participate in shooting Pino, because it was too risky.

ETIENNE also agreed to waive his *Miranda* rights and answer questions. ETIENNE stated that HOWARD recruited him to do the second arson in exchange for money. ETIENNE stated that he committed the second arson, but DULFO, HOWARD, and ETIENNE discovered they had burned the wrong car by burning Victim 2's husband's car instead of Victim 2's vehicle. HOWARD then told ETIENNE that ETIENNE had to do the hit-and-run to make up for his mistake. ETIENNE admitted that he was at the Home Depot and drove the rental truck to try to have a collision with Victim 1 on her way to court on August 30, 2023. However, they didn't find Victim 1 in time, so they waited downtown for several hours before following Victim 1 back to Pinecrest, where ETIENNE reversed the Home Depot truck to collide with Victim 1's vehicle while she was driving it.

The parties agree that these facts, which do not include all facts known to the government and Edner ETIENNE, are sufficient to prove that Edner ETIENNE committed the crimes in the Superseding Indictment.

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

Date: 5/6/25

By: B - Dll
BRIAN DOBBINS
ASSISTANT UNITED STATES ATTORNEY

Date: 5/6/25

By: B - Dll
~~for~~ ABBIE D. WAXMAN
ASSISTANT UNITED STATES ATTORNEY

Date: 4/18/25

By: Robyn Blake
ROBYN M. BLAKE, ESQ.
ATTORNEY FOR DEFENDANT

Date: 4/18/25

By: S. Etienne
EDNER ETIENNE
DEFENDANT